

IOP 15 | REVIEW OR ENFORCEMENT OF AN AGENCY ORDER — HOW OBTAINED; INTERVENTION

1. Payment of Fees. The court of appeals docketing fee prescribed by the Judicial Conference of the United States in the Court of Appeals Miscellaneous Fee Schedule issued pursuant to 28 U.S.C. §1913, is due upon filing of the petition. Checks should be made payable to Clerk, U.S. Court of Appeals, Eleventh Circuit. If the petition is being filed electronically, payments must be made using this court's Electronic Case Files (ECF) system. Applications to file a petition in forma pauperis are governed by FRAP 24(b).

2. Notice of Origin. Counsel are requested to advise the clerk, at the time of filing, of the petitioner's place of residence, principal place of business, domicile, or other information concerning place of origin.

3. Federal Energy Regulatory Commission Proceedings. Because these matters usually involve multiple parties before the court, it has adopted special procedures of (a) simplifying and defining issues, (b) agreeing on an appendix and record, (c) assigning joint briefing responsibilities and scheduling briefs, and (d) such other matters as may aid in the disposition of the proceeding. See 11th Cir. R. 15-1 and Addendum Two.

4. National Labor Relations Board Original Contempt Proceedings.

a. Assignment to Panel - When the Board files a petition for adjudication of a respondent for civil contempt of a previously issued order or mandate of this court, the clerk normally refers it back to the original panel which previously heard or decided the matter on its merits. That panel, through the initiating judge, is then responsible for issuance of all preliminary orders including among others the order to show cause fixing the time for filing a response to the pleadings or answer.

If the former panel determines that good reason exists for not assuming direction of the matter (e.g., death or retirement of a panel member or serious legal issue warranting all active judge determination in the event of a visiting judge on the panel), the clerk is notified



and under the direction of the chief judge selects by lot a panel of active judges.

b. Where Evidentiary Hearing Required - If the matter indicates that disputed issues of fact are involved requiring an evidentiary hearing, the initiating judge of the panel at that stage usually enters for the panel the Board's proposed order of reference of the matter for hearing before a special master. The order specifies the nature of the conditions, the hearing, the master's powers and duties, the filing of the master's report, including findings of fact, conclusions, and recommendations of the special master.

c. Proceedings After Master's Report - Once the special master's report is filed, the parties are advised thereof and of the order of reference fixing the time for filing of any objections, responses to objections, and supporting briefs in support or opposition thereto. When ripe for submission the matter is usually then handled by the court under its usual procedures.

